REMARKS

Claims 1, 11, 12, 15, 16, 19, 20 and 28 have been amended. No claims have been canceled. Hence, Claims 1 - 30 are pending in the Application.

Summary of Office Action

The Office Action has made Requirements for Information under 37 CFR 105 in the form of interrogatories.

Claims 1 – 20 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,209,038 and further in view of "Scalable Timers for Soft State Protocols", herein Sharma, and U.S. Patent 6,154,849, herein Xia.

Requirement for Information

The information required to be submitted is unknown or not readily available to Applicant's representative. The inventor is no longer employed with Oracle. Applicant's representative has been unable to contact the inventor despite diligent efforts to do so.

Rejections based on Cited Art

Claims 1 and 16

Claims 1 and 16, recite:

determining to undertake commitment of said distributed transaction; and

after determining to undertake commitment of said distributed transaction,

determining whether to terminate said distributed transaction based on

said one or more time period values.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (MPEP § 2143.03, citing In Re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)) There are number features of claims 1 and 16 not taught or suggested by the cited. Among these features are "determining

whether to terminate said distributed transaction based on said one or more time period values" "after determining to undertake commitment of said distributed transaction."

The Office Action has expressly correlated determining to terminate a distributed transaction based on a time period value in claims 1 and 16 to a use of timer taught by Bowen at col. 5 lines 49 – 55 in Bowen, reproduced below.

> Where no WTID exists for this conversation, step 610 creates the WTID and optionally, may set a timer at step 615, for the purpose of providing a technique to terminate the work in progress if the client does not respond in an appropriate time....In step 510, two possible validity checks include:
> 1) a test of whether the transaction has timed out; and
> 2) a test of whether the transaction identifier is meaningful to this server, i.e., known to or generated by this server.

Bowen teaches that the timer is used to perform validity tests that determine whether or not to commit a transaction.

> Additional validity checks may be performed. If the WTID is invalid, in step 515 the server rejects the client request.... If the WTID is determined to be valid, then at step 520, the server 103 (FIG. 1) initiates commit processing by invoking a call to the commit coordinator 106 (FIG. 1). The commit coordinator 106 (FIG. 1) handles all commit processing and recovery related to the transaction. (col. 5, lines 56 – 63)
> Referring back to FIG. 2(c), at step 525, the Web communication resource manager terminates the timer set for the transaction **since the timer is only needed when the transaction is active, i.e., the time prior to transaction commit processing.**

Importantly, Bowen teaches that the timer is reset because it is not needed during transaction commit processing. After using the timer validity checks to determine whether to commit a transaction, Bowen expressly teaches that the timer is not needed or used. Thus Bowen fails to teach or suggest that the timer is used for any purpose after

performing the validity checks to determine whether to commit, and therefore cannot in any way teach or suggest determining whether to terminate a distributed transaction based on a time value, as claimed. Bowen, in fact, teaches against this feature.

Sharma and Xia also fail to teach this feature. Moreover, the Office Action has not alleged that Sharma and Xia teach terminating transactions based on time values.

Based on the foregoing, the cited art fails to teach or suggest in anyway all the features of claims 1 and 16. Therefore, claims 1 and 16 are patentable.

Claims 12 and 19

For reasons similar to those discussed with respect to claims 1 and 16, the cited art fails to teach or suggest in any way that "termination criteria is used for determining whether to terminate said distributed transaction after determining to undertake commitment of said distributed transaction." Therefore, claims 12 and 19 are patentable. Reconsideration and allowance of claims 12 and 19 is respectfully requested.

Claims 15 and 20

For reasons similar to those discussed with respect to claims 1 and 16, the cited art fails to teach or suggest in any way that "if changes in latency satisfy adjustment criteria, then adjusting said one or more time period values used for determining whether to terminate said distributed transaction after determining to undertake commitment of said distributed transaction." Therefore, claims 15 and 20 are patentable. Reconsideration and allowance of claims 15 and 20 is respectfully requested.

Pending Claims

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable.

Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: July 7 , 2005
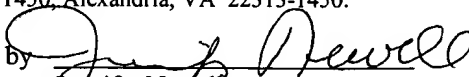
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on July 7 , 2005   by _____
                            Jennifer Newell